

**Remarks**

Claims 1-38 are pending in the instant application. Claims 1-4 and 6-38 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,191,215 to McClelland. Claim 5 stands rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,565,448 to Abbott. The application has been amended. Claims 1 and 22 have been amended. None of the amendments constitute new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

Claims 1-4 and 6-38 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,191,215 to McClelland. This rejection is respectfully traversed.

The present invention claims an optical analysis chamber having an elongate tubular body which defines both an elongate sample passageway and an optically transmissive window. The optically transmissive window is formed between the substantially convex outer surface portion of the tubular body wall and the interior surface of the body wall so as to have a non-uniform thickness about the sample passageway.

McClelland, on the other hand, discloses a tubular capillary having a first portion of its exterior surface planar shaped and a second portion of its exterior surface formed by a cylindrical notch. The cylindrical notch is formed about an axis which extends

perpendicularly to the planar first portion. A positive objective lens may be inserted into the cylindrical notch. Radiation is directed through the planar surface of the first portion and reflected by a sample through the cylindrical notch of the second portion.

Applicants respectfully submit that McClelland clearly does not include each and every limitation of the claims of the present invention. Furthermore, McClelland fails to disclose, teach, or suggest the present invention. First, McClelland fails to disclose, teach, or suggest providing a substantially convex-shaped outer surface for optically coupling radiation within the passageway as is presently claimed. Second, as is seen in Figure 2 of McClelland, the separately-provided objective lens is both oversized to the diameter of the tube and provides a convex surface which does not conform to the cylindrical wall of the notch (represented by the dashed line). Lastly, McClelland solely teaches either a planar window or a convex outer surface on the tubular body through which radiation is directed. McClelland fails to disclose, teach, or suggest shaping the tubular body itself to provide a substantially convex outer surface such that the optical window exhibits a non-uniform thickness about the sample passageway. In view of these comments, Applicants respectfully submit that the present invention is patentably distinct from McClelland. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 5 stands rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,565,448 to Abbott. This rejection is respectfully traversed.

Abbott discloses an elongate tubular capillary having an opening cut into a portion of the tubular wall. The opening receives a lens having a convex surface protruding into the passageway and a planar exterior surface.

First, Applicants respectfully submit that claim 5 is allowable as a dependent claim to allowable claim 1. Moreover, Applicants respectfully submit that Abbott fails to disclose teach or suggest an optically-transmissive window having a substantially convex outer surface which optimizes optical coupling within the passageway as is presently claimed. Abbott requires that the tubular wall be removed so as to allow an optical lens to be inserted therein which directs the radiation to couple with an exterior detector system. Abbott does not disclose, teach, or suggest shaping the tubular wall itself so as to optimize optical coupling within the passageway. Applicants respectfully submit that the present invention is patentably distinct over Abbott. Reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner states that method claims 22-38 of the present invention are unpatentable over the Applicants own admission of the prior art. This rejection is respectfully traversed.

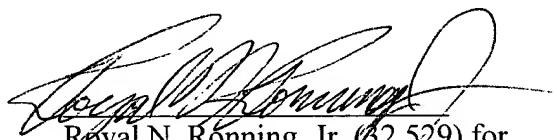
The method of the present invention provides an optical analysis chamber of the present invention. The present method claims do not read on the prior art as the prior art does not disclose an optical analysis chamber which optimizes optical coupling

efficiency as is presently claimed. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the amendments and remarks hereinabove, Applicants respectfully submit that the present application, including claims 1-38, is in condition for allowance. Favorable action thereon is respectfully requested.

Any questions with respect to the foregoing may be directed to Applicant's undersigned counsel at the telephone number listed below.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 26 March 2003.

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